

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAVIER AGUSTO ALVAREZ,

No. C-12-5606 EMC

Plaintiff,

v.

SONOMA COUNTY, *et al.*,Defendants.

**ORDER GRANTING PLAINTIFF'S
MOTION TO DISMISS; GRANTING
PLAINTIFF'S MOTION FOR LEAVE
TO FILE AMENDED COMPLAINT;
AND DENYING AS MOOT
DEFENDANTS' MOTIONS TO DISMISS****(Docket Nos. 13, 17, 18, 20, 22)**

The Court is in receipt of Defendants' motions to dismiss, Plaintiff's motion to dismiss, and Plaintiff's first amended complaint. *See* Docket Nos. 13, 17, 18, 20, 22, 23. The Court finds this matter suitable for disposition without oral argument and **VACATES** the hearing set for February 28, 2013. The Court hereby **GRANTS** Plaintiff's request to dismiss the complaint as against Defendants Megan Alvarez, Jan Sturla, and Exchange Bank and dismisses with prejudice this action as against them. *See* Docket No. 22. As they are no longer Defendants in this action, their motions to dismiss, Docket Nos. 13, 17, and 20, are **DENIED** as moot.

In addition, the Court **GRANTS** Plaintiff leave to file his First Amended Complaint. The Court notes that Plaintiff did not file his First Amended Complaint within twenty-one days of any Defendant's motion to dismiss, as required by Federal Rules of Civil Procedure, Rule 15(a)(1). Given that Plaintiff is *pro se*, the Court will permit this filing. However, Plaintiff is advised that, going forward, he must comply with the Federal Rules of Civil Procedure, including by seeking the stipulation of Defendants or leave of court prior to filing any future amended complaint. As the


1 Court permits Plaintiff to file his First Amended Complaint, the motion to dismiss for Defendants
2 Sonoma County, Julie Paik, Lisa Cervantes, and Anna New is therefore **DENIED** as moot. These
3 Defendants shall file a response to Plaintiff's First Amended Complaint within 30 days of the date of
4 this Order. In addition, the Court notes that Plaintiff has not filed a proof of service confirming
5 service of the First Amended Complaint on new Defendant Veronica Ferguson. Plaintiff must effect
6 service of process on Ferguson as required by F.R.C.P. § 4 if he wishes to name her as a Defendant.
7 If Plaintiff does effect service, Ferguson may respond to Plaintiff's First Amended Complaint within
8 30 days of the date of service or 30 days of the date of this Order, whichever is later.

9 For Plaintiff's benefit, the Court directs his attention to the Handbook for Pro Se Litigants,
10 which is available along with further information for the parties on the Court's website located at
11 <http://cand.uscourts.gov/proselitigants>. Plaintiff may also contact the Legal Help Center, 450
12 Golden Gate Avenue, 15th Floor, Room 2796, Telephone No. (415) 782-9000 extension 8657, for
13 free legal advice regarding his claims.

14 This order disposes of Docket Nos. 13, 17, 18, 20, and 22.

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16 IT IS SO ORDERED.

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18 Dated: February 27, 2013

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21 EDWARD M. CHEN
22 United States District Judge
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